

Honourable John Baird, MP P.C.
House of Commons
Ottawa, ON
K1A 0A6

Honourable Jim Prentice, MP P.C.
House of Commons
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January 22, 2009

Dear Ministers Baird and Prentice,

I am writing this letter to ask that Transport Canada re-evaluate its decision that public participation is "not warranted" for the proposed Victoria International Marina project. I am deeply concerned about this decision, given the number of issues raised by my constituents that remain unaddressed.

According to Chapter 2 of the Canadian Environmental Assessment Act's (CEAA) Public Participation Guide, which outlines the criteria government staff should use to determine whether public participation is warranted, it seems to me this project should be approved for public participation.

The following is a list of the criteria found in the CEAA's Public Participation Guide and explanation as to why the project has met the majority of these criteria.

2.1.1 Indication of Public Interest.

I have attached the myriad of e-mails and written submissions that I have received, all of which have also been sent to Transport Canada. If this level of feedback from the public is not an indication of public interest, I am curious to know what citizens need to do in order to meet this criterion. It is important to note that prior to November 2008, it does not appear the public were aware that Transport Canada was the Regulatory Authority for this assessment.

2.1.2 History of involvement.

The Vic West Community Association is on record as being concerned about the construction of a marina at this site since the completion of the Songhees project in 1986. The City of Victoria Shore Advisory Committee (ESAC) has also not been supportive of the construction of a marina at this site since 2005. These concerns were re-affirmed in a letter from ESAC to TC dated Dec 05, 2008. (attached)

2.1.3 Potential for Value Conflict

The guidance document defines this as conflicts between environmental, social and economic values. I think you will find evidence in the letters you have received that such a conflict exists. Much has been made by the development of building a facility similar to Sydney, Australia's marine facilities. But this seems to overlook the considerable difference in size between the two harbours. The size and scope of the proposed marina in Victoria's small and busy harbour and its impact on the public interest warrants a transparent and meaningful public process.

2.1.4 Potential for Significant Environmental Effects

2.1.6 Uncertainty of Environmental Effects

A review of the Chatwin Engineering Report (revised 2008) by Archipelago Marine Research Ltd., who specialize in near-shore habitat inventory, assessment and environmental impact analysis, suggests that these two criteria hold as there is potential for significant effects to water quality during construction and potential for and uncertainty of impacts from reflected wave energy on other areas of the harbour. While these concerns may be addressed and mitigated with further assessment and proper design and construction practices, public participation is warranted to address these concerns.

2.1.5 Potential to learn from Community or Aboriginal Traditional Knowledge.

Further information regarding this criterion to follow, by letter, shortly.

2.1.7 Use of Equivalent Public Participation Processes

Based on Jim Schellenberg's letter dated December 19, 2008, it appears that Transport Canada is of the opinion that the Navigable Waters Protection Notice and Notice for the Waterlot application provide adequate room for public input. However, the scope of the public input under these applications is narrow and does not encompass the host of public concerns about this project.

Given that most of the seven criteria for public participation seem to have been met, it is imperative that Transport Canada re-consider its decision that public participation is not warranted. Perhaps, in making that initial decision, Transport Canada was unaware of the degree of public concern. I note that in chapter one of the CEAA's Public Participation Guide it states "If you are initially of the opinion that public participation is not appropriate, you should revisit the criteria and re-examine your determination throughout the screening process in case your opinion changes as more information is provided, the need for more information arises or public interests shift."

I also want to bring to your attention the inconsistencies in the interpretation of whether issues such as impacts to the visual landscape should be addressed in a CEAA screening. Jim Schellenberg's letter of December 19, 2008 suggests not, however, the attached

guidance document for CEAA assessments of wind farm projects (pg 15) clearly includes visual impacts.

I want to thank-you for your consideration of this matter and look forward to your positive response to my request to properly involve the public in the CEAA's environmental assessment.

Sincerely,

Denise Savoie, MP
Victoria, BC

cc. Vic West Community Association
Brian Emmett
Victoria – Mayor and Council
Linda Duncan – New Democrat Environment Critic
Brian Masse – New Democrat Transportation Critic

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